

after a Federal judge has served 10 years—and that is what my amendment does, limit the term to 10 years—if the President wants to reappoint a judge who does some of these horrible things I have talked about, and that person can get through the Senate confirmation process, good luck. But at least we would have had the opportunity, as the elected representatives of the American people, to say, hold on, this person has made decisions that are ridiculous and we are not going to tolerate it.

The term limits for judges amendment would end the life tenure for judges on the district court, circuit courts, and the Supreme Court—all three levels of the Federal judiciary. They would be nominated by the President, and with the advice and consent of the Senate they would be appointed for 10-year terms. They could be reappointed. The good thing about this proposal, Mr. President, is that no President of the United States would have the opportunity to reappoint a judge because, as we all know, the President's term is limited to two terms, 8 years. He or she could also serve up to an additional 2 years of a President who left office, if that person were the Vice President. So the maximum they could serve would be 9 years and 364 days. Therefore, that same President would not have the opportunity to reappoint a judge.

Now, my amendment does not remove current judges from office—we do have a grandfather clause—but it would get things started, and we would begin to have this opportunity to see some change.

Activist judges are routinely violating the separation of powers by usurping legislative and executive powers. This is a widespread abuse of judicial authority, and it is serious enough to warrant a constitutional response. Term limits for judges would establish a check on the power of activist judges, and no longer could they abuse their authority with impunity. Under the term limits for judges amendment, judges who used their offices by imposing their own policy views, instead of interpreting the laws in good faith, could be passed over for new terms by the President, or rejected for reappointment by the Senate if the President persisted in offering the name up.

The term limits for judges amendment would make the President and the Senate more accountable to the people for their judicial selections. Now, you are going to hear the argument—and probably many listening to me now are already thinking it—that “this is just going to interject politics; politics is now going to be in all the court decisions, and all judges are going to make decisions based on politics so they can be reappointed.”

Stop and think about that argument. If a judge is good and if a judge is honest and has integrity and makes a decision in his or her mind based on what

is right, under the Constitution, if that's the case—and I would think that all of us would like to think that every judge fits that mold—but if that's the case, then, why would a judge make a different decision if that judge knew they were only going to be there for 10 years or life? What difference does it make? The point is, if they are good and they think it is a right decision under the law, then you make your decision whether you are going to be there 1 day or 100 years. What difference does it make?

The opposite has happened, Mr. President. What has happened now is that judges, knowing that they can't be touched, knowing that they have a lifetime appointment, are now making decisions that are political. They are imposing their will upon the American people, rather than actually judging the Constitution and interpreting the Constitution as the Founding Fathers suggested.

With all due respect to the criticism, the modern-day judiciary is too independent and too unaccountable to the taxpayers and to the people who pay their salaries and pay for their court-houses all over America. They are insulated by life tenure and free, for all intents and purposes, from any threat of impeachment. You have to commit a high crime to be removed from office as a Federal judge; we all know that. Very few judges in history have had that happen.

These activist judges, because of almost impunity, feel free to impose their political will on all of us, without having to answer to anybody. I believe that judges appointed for 10-year terms would be far more likely to follow the law rather than imposing their political will. The best way to go for a judge serving a 10-year term, who would like to serve another 10, would be to follow the law and not his or her own political agenda. Follow the law. That is what we put you on the bench to do, to follow the law. That applies to a conservative judge as well as a liberal judge. No conservative agenda, no liberal agenda. Follow the law. If you follow the law, you will get reappointed. If you don't follow the law and you follow your agenda, you don't.

It is interesting, when you talk to those who oppose this amendment, they are very aggressive in saying, “Well, these judges are fine people and you are impugning the integrity of judges.” There will always be—unless Congress changes it—nine slots on the Supreme Court. The world is not going to come to an end if one judge leaves and another takes his or her place. We are not irreplaceable. So that is not a valid argument. It is very bogus. If one judge leaves—or if it is the Supreme Court, one Justice leaves—another judge or Justice takes his or her place.

So what? It doesn't have to be the same person for life making these decisions.

So, Mr. President, I just want to notify my colleagues that I welcome their

support. I don't expect the door to be beaten down over the next few days. But I am going to be very, very aggressive and very, very persistent in taking this case to the American people that it is time for a change in our Constitution. No one wants to amend the Constitution unless it is absolutely necessary. But I think if every American citizen would look at what has happened with some of these outrageous judicial decisions by activist judges who have gone far beyond what the intent of the Constitution was, they would recognize that it is time for a change.

Hamilton said it, Madison said it, and Jefferson said it; three pretty distinguished Founding Fathers, if I do say so myself. They warned us. I read for you their quotes. We know how they felt.

I think it is time that we pursue this. I intend to take this case to the American people because I have seen polls on this that indicate that over 85 percent of the American people support term limits for judges. We have term limits for the Presidents. A lot of people favor trying to pass term limits for Members of Congress. Why not term limits for judges? Why does the world come to an end, and why does constitutional democracy of the United States of America come to an end because we don't have lifetime judges? That is ridiculous. The argument is silly.

The Founding Fathers warned us on the possibility of this. And some will say, “OK. Why didn't they put in the Constitution that we have term limits?” Because they could not possibly imagine what judges would have done in the past 200 years.

But I guarantee that if Hamilton, Jefferson, and Madison could vote today they would be voting for this amendment, and they would be supporting this amendment.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, April 24, 1997, the Federal debt stood at \$5,343,216,863,246.54. (Five trillion, three hundred forty-three billion, two hundred sixteen million, eight hundred sixty-three thousand, two hundred forty-six dollars and fifty-four cents)

One year ago, April 24, 1996, the Federal debt stood at \$5,110,704,000,000. (Five trillion, one hundred ten billion, seven hundred four million)

Five years ago, April 24, 1992, the Federal debt stood at \$3,879,889,000,000.

(Three trillion, eight hundred seventy-nine billion, eight hundred eighty-nine million)

Ten years ago, April 24, 1987, the Federal debt stood at \$2,264,943,000,000. (Two trillion, two hundred sixty-four billion, nine hundred forty-three million)

Twenty-five years ago, April 24, 1972, the Federal debt stood at \$427,998,000,000 (Four hundred twenty-seven billion, nine hundred ninety-eight million) which reflects a debt increase of nearly \$5 trillion—\$4,915,218,863,246.54 (Four trillion, nine hundred fifteen billion, two hundred eighteen million, eight hundred sixty-three thousand, two hundred forty-six dollars and fifty-four cents) during the past 25 years.

FROM RAGS TO RADIO RENOWN

Mr. HATCH. Mr. President, Samuel Johnson said that "Adversity has ever been considered the state in which a man most easily becomes acquainted with himself."

On April 7, Arch L. Madsen, a remarkable broadcast pioneer, died at the age of 83 in Salt Lake City. Arch's contributions to the world of radio and television were made all the more noteworthy by the formidable personal challenges he overcame. In rising above adversity with the help of an extraordinary woman, his wife Peggy, Arch discovered the potential within himself that only she and God knew existed.

The half-century public career of Arch Madsen is a matter of record. He was president of KSL radio and television stations, founder and president of the Bonneville International Corp. media empire, and an influential member of national and international bodies fighting for freedom of speech. He was appointed by President Reagan to the nine-member Board for International Broadcasting overseeing the operations of Radio Free Europe and Radio Liberty. It was Arch's dream that truth carried on airwaves across the Iron Curtain would lead those on the other side finally to throw off the yoke of totalitarianism. He lived to see his dream fulfilled in Europe.

For the inspiring story of Arch's private world we are indebted to his son, Erik H. Madsen, who spoke at the funeral on April 12.

I ask unanimous consent that excerpts from Erik's remarks be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

REMARKS OF ERIK H. MADSEN

I spoke at my mother's funeral, and I thought that was fair. I didn't think that I would be speaking at my father's funeral. But I've always done every reasonable thing that he's asked me to do. And so I'm here at his request.

I am well qualified to speak about him, because I probably knew him as well as anybody still living. I am his oldest child and he

was a master of delegation. Therefore I have been his servant, and slave and gofer longer than any other living person. There is a saying that no man is a hero to his valet. But my father was a hero to his gofer. . . .

He used to tell me that when he met my mother, he was a totally defeated and broken man. And I believe that he was.

His physical handicaps have already been mentioned. He had polio at the age of five, and this made him physically weak in general.

He was emotionally scarred. He grew up in almost a frontier situation, on a farm, where he was expected to do the work of a normal person. And often, he had very little power to do it.

He was educationally disadvantaged. He had a high school diploma and two quarters at BYU. But he confessed to me that when he was a senior in high school, they had called him into the office and encouraged him not to seek any further education. Nevertheless, he persisted and went to the BYU. When he was dismissed from the BYU for his inability to pay his tuition, he was again told by the representative of the college that he was really not college material and that he should focus his life on manual labor. However, being extremely weak, he found that focus impossible to pursue.

Because he had been somewhat shunned by his peers and frequently persecuted by them, his skill lay mainly in occasionally clowning. And I think this may have developed later in life into his remarkable flamboyancy. But, he was uncomfortable in society.

And he was destitute. Shortly after my mother met him, he was admitted to the county hospital for malnutrition, because he couldn't earn enough money to buy the food he needed for adequate nutrition. He dressed in worn out overalls—the clothing of a destitute person.

His career aspirations were limited. He knew how to build radio sets. And so, he thought that he might become some kind of low level radio technician.

His religious faith was broken. He believed in God. But he felt so inferior that he didn't think that he would ever be able to do enough to qualify for God's love.

It was in this condition, while he was working as a janitor in one of my mother's father's businesses, that she met him. If we were to meet him today, as he was then, we would think, "This is truly an oddball. He is a nerd. He just doesn't fit into normal society at all. He is one of those physically weak, mentally weak souls, who has come here with a defective mind and a defective body. He's not going to live very long. And it's going to be sad." That's what we would have thought.

No one could understand what my mother saw in him. On their first date, all he could think to do was to talk about how to build radio sets. So, he taught her how to build radio sets. And we still have a drawing on a napkin which she saved from their first date, showing his explanation to her of a radio circuit.

On their second date, he talked about how it might be a good thing for her to look into the LDS church. He told her that he really couldn't get too involved himself because he was not good enough. But he told her that she might get involved, and perhaps find someone else who would be suitable for her to marry in the temple.

My mother saw that if she married my father she would have to give up her family's approval and wealth, which would have provided her with a lifetime of leisure and security. But she said that she saw qualities in him that interested her. He seemed to be a hard worker, to work long and diligently, and she thought she could totally trust him.

She believed that he would be faithful to her for his life, that he would be faithful to his marriage vows.

When they were married, things looked bad for them. No one thought their marriage would even last. How could my mother give all this up? And how could my father earn enough to provide for two people, when he couldn't even provide for himself. . . .

There are four themes of my father's life that I would like to briefly illustrate. They were important to his success.

The first theme is about the technician. My father was a man who solved electronic problems. The key to his progress was that first, he never stopped studying about how the physical laws worked, and later about how political, economic and social laws worked. How the world worked. But he always felt outclassed by those with a far better education. And so he had discovered a secret weapon—he would pray. And he would pray like nobody else. He would continuously and obsessively pray until I think he did weary the Lord. And then it was given to him to know the answer, which usually came to him in terms of seeing something. He often saw far beyond that thing, far, far into the future. Not everything that would happen, but just a laserlike view. He usually saw something technical.

An example of this occurred when I was 8 years old and I didn't really think much about it at the time, but I remembered it and I even wrote it down. He had asked me to build a crystal set. And when I finally got it right (because you see he gave me the directions and said build it (and left) it worked. And I asked him, "How does it work?" And he said, "The electrons have to run through certain patterns in order to receive the signal. There are patterns inside the crystal which make them do this." And I asked him, "What are the patterns?" And he said, "We don't really know what they are, but they are probably like the patterns we make with our tubes, and resistors, and wires." And then he said something else. He said, "Some-day men will put patterns in crystals. They will be far more complex than any patterns we can find in a natural crystal. We'll put whole radio receivers and television receivers into one tiny crystal." And I said, "Why do you think this?" And he said, "I prayed about something a little different from this and then I saw it. It will certainly happen." And I said, "When?" And he said, "Probably in your lifetime, but I'm not really sure. When I see into the future, I can't tell exactly how far I've seen. So, it could be anytime." I forgot about this experience until the transistor was invented and then, I guess what you'd call the computer chip appeared. And I remembered everything he'd said about the crystal.

And so this theme of my father's life is sort of a testimony of the power of prayer, at least to me. And of the reality that God answer prayers and inspires men to see and know things which would normally be invisible and unknowable. This is one of the great gospel truths which enabled my father to succeed. Many people throughout the world have wondered at his vision. It wasn't his vision. I mean, it wasn't his IQ. He received it from a higher source.

The second theme is love. My father attributed all his successes to my mother. We often talked about why this was so. He always said, "When I knew that your mother loved me and believed in me, my view of the world changed. I decided to do everything I could to live up to her love and faith in me. I decided to believe that God loved me too. I decided to love myself, and to be as good as I could be, and to do all the good that I could in this world."

The scriptures indicate that God personifies love. John said "Let us love one another,